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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,947	11/26/2001	Philippe Laberge	03705.0002.NPUS00	8803

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EXAMINER

THAI, CANG G

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/991,947

Applicant(s)

LABERGE, PHILIPPE

Examiner

Cang G. Thai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/26/2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/26/2001.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

1. It is noted that this application appears to claim subject matter disclosed in prior Application No. 60/252,890 filed 11/27/2000. A reference to the prior application must be inserted as the first sentence of the specification of this application or in an application data sheet (37 CFR 1.76), if applicant intends to rely on the filing date of the prior application under 35 U.S.C. 119(e) or 120. See 37 CFR 1.78(a). For benefit claims under 35 U.S.C. 120, the reference must include the relationship (i.e., continuation, divisional, or continuation-in-part) of all non-provisional applications. Also, the current status of all non-provisional parent applications referenced should be included.

If the application is a utility or plant application filed under 35 U.S.C. 111(a) on or after November 29, 2000, the specific reference to the prior application must be submitted during the pendency of the application and within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior application. If the application is a utility or plant application which entered the national stage from an international application filed on or after November 29, 2000, after compliance with 35 U.S.C. 371, the specific reference must be submitted during the pendency of the application and within the later of four months from the date on which the national stage commenced under 35 U.S.C. 371(b) or (f) or sixteen months from the filing date of the prior application. See 37 CFR 1.78(a)(2)(ii) and (a)(5)(ii). This time period is not extendable and a failure to submit the reference required by 35 U.S.C.

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119(e) and/or 120, where applicable, within this time period is considered a waiver of any benefit of such prior application(s) under 35 U.S.C. 119(e), 120, 121 and 365(c). A priority claim filed after the required time period may be accepted if it is accompanied by a grantable petition to accept an unintentionally delayed claim for priority under 35 U.S.C. 119(e), 120, 121 and 365(c). The petition must be accompanied by (1) the reference required by 35 U.S.C. 120 or 119(e) and 37 CFR 1.78(a)(2) or (a)(5) to the prior application (unless previously submitted), (2) a surcharge under 37 CFR 1.17(t), and (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2) or (a)(5) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional. The petition should be addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 11/26/2001 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information disclosure statement.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

4. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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In claim 1, it is no clear what is the scope of the claimed invention and how the steps are implemented to achieve the scope of the claimed invention? Is it enhancing business development approach or maximizing the company market evaluation or launching a business. Applicant is recommended to insert an objective of the claimed invention in the preamble to improve clarity. Identifying suppliers of a product is not a proper scope of the claimed invention.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S.

Patent No. 6,850,900 (HARE ET AL.).

As for claim 1, HARE discloses a method for identifying suppliers of a product comprising the steps of:

- (a) providing a first electronic form, wherein said first electronic form allows a buyer to specify information about a product that said buyer wants to purchase {Column 9, Lines 26-28, wherein this reads over “the system 10 provides a content transformation application 16 for transforming electronic and non-electronic product information into a generic form”};
- (b) selecting one or more potential suppliers of said product by searching a database of suppliers for those that supply said product {Column 9, Lines 30-33, wherein this reads over “for reviewing and updating the generic

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product information using a working master catalog with a contract load review application 18a, and an update master application 18b”};

- (c) sending a first electronic notification to said one or more potential suppliers of said product with the information about said product specified by the buyer, wherein said electronic notification allows said one or more potential suppliers of said product to confirm or deny that they can supply said product {Column 9, Lines 62-64, wherein this reads over “the system 10 enables the participating suppliers to manage supplier contracts and supplier catalogs on the system”};
- (d) selecting one or more potential suppliers of said product who confirmed that they can supply said product, thereby selecting one or more confirmed suppliers {Column 10, Lines 5-7, wherein this reads over “the buyers and the suppliers can group the contracts, catalogs and sub-catalogs into resources enabling access to the designated users or user groups”}; and
- (e) providing a second electronic notification to said buyer from said one or more confirmed suppliers, wherein said second electronic notification identifies said one or more confirmed suppliers {Column 10, Lines 9-12, wherein this reads over “the system creates a master catalog for the buyer which includes of the general catalogs from all of the contracts that the buyer has entered into with one from all of suppliers”}.

As for claim 2, HARE discloses the method of claim 1, wherein the buyer specifies a geographical location, and wherein said step of selecting one or more potential suppliers of said product is determined by said geographical location {See Fig. 11F, Element "Contract Shipping Information"}.

As for claim 3, HARE discloses the method of claim 1, further comprising the steps of:

- (f) providing a second electronic form into which the buyer enters the buyer's contact information {See Fig. 11G, Element "Contract Remit To Address"}; and
- (g) electronically storing the buyer's contact information {See Fig. 11K, Element "Save Contract"}.

As for claim 4, HARE discloses the method of claim 1, further comprising the steps of:

- (f) selecting one or more potential suppliers of said product who denied that they can supply said product, thereby selecting one or more denied suppliers {See Fig. 6D, Element "List of Items"}; and
- (g) updating said database of suppliers to reflect that said one or more denied suppliers do not supply said product {See 6G, Element "List of Items"}.

As for claim 5, HARE discloses the method of claim 4, wherein said one or more confirmed suppliers upload a specification for said product {See Fig. 12E, Element "View Item Details"}.

As for claim 6, HARE discloses the method of claim 5, wherein said buyer downloads said specification of said product {See Fig. 6B, Element "Load Review"}.

As for claim 7, HARE discloses the method of claim 6, wherein said buyer builds a library of specification of products {See Fig. 6C, Element "Categories"}.

As for claim 8, HARE discloses the method of claim 6, wherein said buyer is selected from the group consisting of: an architect, an architectural firm, a builder, a construction firm, a carpenter, a carpentry firm, an interior designer, an interior design firm, a landscaper, a landscaping firm, an electrician, an electrical firm, a plumber, and a plumbing firm {See Fig. 12F, Element "List of Items-Description"}.

As for claim 9, HARE discloses the method of claim 6, wherein said one or more potential suppliers supply building supplies, electrical supplies, plumbing supplies, or interior decorating supplies {See Fig. 12F, Element "List of Items-Vendor Part Number"}.

As for claim 10, HARE discloses a method for identifying suppliers of a product and providing a specification for the product, comprising the steps of:

- (a) providing a first electronic form, wherein said first electronic form allows a buyer to specify information about a product that said buyer wants to purchase {See Fig. 1, Element 20a};
- (b) providing a second electronic form, wherein said second electronic form allows said buyer to list buyer's contact information {See Fig. 1, Element 20c};
- (c) electronic storing said buyer's contact information {See Fig. 1, Element 20}.

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- (d) selecting two or more potential suppliers of said product by searching a database of suppliers for those that supply said product {See Fig. 1, Element 20b};
- (e) sending a first electronic notification to said two or more potential suppliers of said product with the information about said product specified by the buyer, wherein said electronic notification allows said two or more potential suppliers of said product to confirm or deny that they can supply said product {See Fig. 1, Element 34};
- (f) selecting one or more potential suppliers of said product who confirmed that they can supply said product, thereby selecting one or more confirmed suppliers, wherein said one or more confirmed suppliers uploads a specification for said product {See Fig. 1, Element 22};
- (g) providing a second electronic notification to said buyer from said one or more confirmed suppliers, wherein said second electronic notification identifies said one or more confirmed suppliers, and wherein said buyer downloads said specification of said product {See Fig. 1, Element 24};
- (h) selecting one or more potential suppliers of said product who denied that they can supply said product, thereby selecting one or more denied suppliers {See Fig. 1, Element 26}; and
- (i) updating said database of suppliers to reflect that said one or more denied suppliers do not supply said product {See Fig. 1, Element 18b}.

As for claim 11, HARE discloses a method for updating a database of suppliers comprising the steps of:

- (a) providing an electronic form to one or more suppliers requesting said one or more suppliers respond to a query as to whether or not said one or more suppliers supply a product {See Fig. 1, Element 18c};
- (b) identifying suppliers who respond to said query in the negative, thereby selecting one or more denied suppliers {See Fig. 1, Element 18a}; and
- (c) updating said database of suppliers to reflect that said one or more denied suppliers do not supply said product {See Fig. 1, Element 18b}.

As for claim 12, HARE discloses a system for identifying suppliers of a product and providing a specification for the product, comprising:

- (a) a means for providing a first electronic form, wherein said first electronic form allows a buyer to specify information about a product that said buyer wants to purchase {See Fig. 1, Element 20a});
- (b) a means for selecting two or more potential suppliers of said product by searching a database of suppliers for those that supply said product {See Fig. 1, Element 20b};
- (c) a means for sending a first electronic notification to said two or more potential suppliers of said product with the information about said product specified by the buyer, wherein said electronic notification allows said two or more potential suppliers of said product to confirm or deny that they can supply said product {See Fig. 1, Element 20c};

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- (d) a means for selecting one or more potential suppliers of said product who confirmed that they can supply said product, thereby selecting one or more confirmed suppliers {See Fig. 1, Element 22};
- (e) a means for uploading a specification for said product {See Fig. 1, Element 18a};
- (f) a means for providing a second electronic notification to said buyer from said one or more confirmed suppliers, wherein said second electronic notification identifies said one or more confirmed suppliers {See Fig. 1, Element 22};
- (g) a means for downloading said specification of said product {See Fig. 1, Element 34};
- (h) a means for selecting one or more potential suppliers of said product who denied that they can supply said product, thereby selecting one or more denied suppliers {See Fig. 1, Element 18a}; and
- (i) a means for updating said database of suppliers to reflect that said one or more denied suppliers do not supply said product {See Fig. 1, Element 18b}.

As for claim 13, HARE discloses the system of claim 12, further comprising:

- (j) a means for providing a second electronic form, wherein said second electronic form allows said buyer to list buyer's contact information {See Fig. 10, Element 100};

(k) a means for electronically storing said buyer's contact information {See Fig. 10, Element 166}.

As for claim 14, HARE discloses the system of claim 13, further comprising a means for building a library of specifications {See Fig. 9, Element 102}.

As for claim 15, HARE discloses the system of claim 13, wherein said buyer is selected from the group consisting of: an architect, an architectural firm, a builder, a construction firm, a carpenter, a carpenter firm, an interior designer, an interior design firm, a landscaper, a landscaping firm, an electrician, an electrical firm, a plumber, and a plumbing firm {Column 1, Lines 53-56, wherein this reads over "businesses also want to enable their requisitioners to easily search, find, select, compare and order other suppliers (which are not contracted items from approved suppliers), as necessary and in accordance with standardized procedures"}.

As for claim 16, HARE discloses the system of claim 14, wherein said one or more potential suppliers supply building supplies, electrical supplies, plumbing supplies, or interior decorating supplies {Column 4, Lines 1-3, wherein this reads over "the full service secure commercial electronic marketplace provides an all encompassing system for suppliers and buyers"}.

As for claim 17, HARE discloses the system of claim 12, further comprising a means for specifying a geographical location, wherein said first electronic notification is sent to said two or more potential suppliers within said geographical region {See Fig. 1, Element 16}.

As for claim 18, HARE discloses a method of finding a product within an electronic database comprising a group of construction-related products, wherein each member of said group of construction-related products is associated with a list of suppliers of each member of said group of construction-related products, and wherein said each member is a subcategory of the most specific category of the Construction Specification Institute MasterFormat Index TM {See Fig. 1, Element 28}.

As for claim 19, HARE discloses a method for identifying suppliers of a product by a buyer comprising the steps of:

- (a) specifying information about a product that said buyer wants to purchase, wherein said information allows the selection of one or more potential suppliers of said product by searching a database of suppliers for those that supply said product, wherein a first electronic notification is sent to said one or more potential suppliers of said product with the information about said product specified by the buyer, wherein said electronic notification allows said one or more potential suppliers of said product to confirm or deny that they can supply said product, and wherein one or more potential suppliers of said product who confirm that they can supply said product is selected {See Fig. 1, Element 20}; and
- (b) contacting one or more confirmed suppliers in provided in a second electronic notification to said buyer, wherein said second electronic notification identifies said one or more confirmed suppliers {See Fig. 1, Element 22}.

As for claim 20, HARE discloses the method of claim 19, further comprising specifying a geographical location, wherein said one or more confirmed suppliers of are selected on the basis of proximity to that geographical location {See Fig. 4, Element 64}.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

I. U.S. Patent:


- 1) U.S. Patent Application Publication No. 2002/0046051 (KATZMAN ET AL.) is cited to teach techniques used on an on-line concession stand using software.
- 2) U.S. Patent Application Publication No. 2002/0013757 (BYKOWSKY ET AL.) is cited to teach an automated exchange system which includes a smart electronic double auction for allocating audience items among perspective buyers and sellers and for calculating a set of prices for the audiences.
- 3) U.S. Patent Application Publication No. 2003/0014318 (DE LA MOTTE ET AL.) is cited to teach a system and method for facilitating transactions involving a sale of goods or services.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cang (James) G. Thai whose telephone number is (703) 305-0553. The examiner can normally be reached on 6:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CGT
3/20/2005



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